


FOURTEENTH ANNUAL REPORT

1980-81

ONTARIO LAW REFORM COMMISSION



Ministry of the
Attorney
General



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The Ontario Law Reform Commission was established by section 1 of *The Ontario Law Reform Commission Act* for the purpose of reforming the law, legal procedures and legal institutions. The Commissioners are:

DEREK MENDES DA COSTA, Q.C., LL.B., LL.M., S.J.D., LL.D., *Chairman*

HONOURABLE GEORGE A. GALE, C.C., Q.C., LL.D.

HONOURABLE RICHARD A. BELL, P.C., Q.C.

* HONOURABLE JAMES C. MCRUER, O.C., LL.D., D.C.L.

WILLIAM R. POOLE, Q.C.

BARRY A. PERCIVAL, Q.C.

M. Patricia Richardson, M.A., LL.B., is Counsel to the Commission. The Secretary of the Commission is Miss A. F. Chute, and its offices are located on the Sixteenth Floor at 18 King Street East, Toronto, Ontario, Canada M5C 1C5.

* The Honourable James C. McRuer, the first Chairman of the Commission and Vice Chairman until February, 1977, resigned as a full-time Member of the Commission effective June, 1977. However, Mr. McRuer agreed to remain a Commissioner in relation to the Projects on the Law of Trusts and the Enforcement of Judgment Debts, in the development of which he has been much involved.

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Ontario
Law Reform
Commission

To The Honourable R. Roy McMurry, Q.C.
Attorney General for Ontario

Dear Mr. Attorney:

We have the honour to present the Fourteenth Annual Report of the Ontario Law Reform Commission, for the period April 1, 1980 to March 31, 1981.

INTRODUCTION

This Report deals with the activities of the Commission during the period April 1, 1980 to March 31, 1981. During the past year the Commission has been engaged in a heavy research programme.

We have completed much of the research involved in our Project on the Enforcement of Judgment Debts and Related Matters. The Commission decided that, due to the magnitude and the complexity of the subject, it was desirable to divide the Report into five Parts. We have now submitted Parts I, II and III of the Report, and have made substantial progress on Parts IV and V.

The Commission records the enactment of *The Occupiers' Liability Act, 1980*, S.O. 1980, c. 14, which in large measure adopts the recommendations made by the Commission in its *Report on Occupiers' Liability* (1972).

The past year has been productive and busy. During the year, much of the Commission's energy was devoted to the completion of the first three Parts of the *Report on the Enforcement of Judgment Debts and Related Matters*. We also have brought the Project on Class Actions close to conclusion. In addition, we have made progress on a Reference, Witnesses Before Committees of the Legislature.

The Commission's Programme consists of eleven Projects. As we said in our last Annual Report, much balance and co-ordination is involved in the task of bringing all Projects forward in an orderly manner. Since the submission of Parts I, II and III of the *Report on the Enforcement of Judgment Debts and Related Matters*, the Commission and its research staff have been committed to the completion of research and preparation of the *Report on Class Actions* and the *Report on Witnesses Before Committees of the Legislature*, commitments that will continue into the coming year. We have not been able to develop, in the past year, two Projects: Basic Principles of Land Law and Declarations of Status. We recognize the importance of these Projects, and will return to them when time and resources permit.

As in past years, the Commission has continued to receive helpful suggestions for additions to its Programme from members of the judiciary, the legal profession and the public. We welcome this interest in the work of the Commission, and wish to express our appreciation to all those who gave of their time to assist us in this way.

THE PROGRAMME: REFERRED MATTERS

Section 2(1)(d) of *The Ontario Law Reform Commission Act* requires the Commission to inquire into and to consider any matter relating to any subject referred to it by the Attorney General. One new matter, Witnesses Before Committees of the Legislature, was referred to the Commission during the period covered by this Report. During the year, research on a prior Reference, the Class Actions Project, continued.

(i) Witnesses Before Committees of the Legislature

On June 5, 1980, in response to a recommendation made by the Standing Procedural Affairs Committee of the Ontario Legislative Assembly in its *Report on Witnesses Before Committees*, the Attorney General referred the subject of witnesses before legislative committees to the Commission. The Attorney General requested the Commission to conduct a thorough review of the subject, bearing in mind particularly the eleven questions stated for the Commission in Appendix A to the *Report on Witnesses Before Committees*.

The *Report on Witnesses Before Committees* made it clear that both the law and practice in this area required clarification and rationalization. The Commission engaged Alistair Fraser, Esq., former Clerk of the House of Commons in Ottawa, to prepare a comprehensive internal research paper dealing with all aspects of the subject, including the following matters: the nature and functions of various types of legislative committees; the kinds of activities undertaken by committees; the power of committees to compel witnesses to appear and answer questions and produce documents at committee hearings; the power of the Legislative Assembly to punish witnesses who fail to appear and cooperate with committees; the obligations of witnesses to committees, and of committees to witnesses; the immunity or protection that extends or should extend to witnesses in respect of their oral testimony and written submissions; the protection of third parties whose names or activities are divulged or discussed at committee meetings; the nature and scope of the doctrine of Crown privilege in respect of oral testimony and the production of documents; the constitutional aspects of protecting witnesses from the use of their evidence in subsequent civil and criminal proceedings; and the right to counsel at committee meetings. The experience of legislative committees of the Parliament in Ottawa, as well as reports and relevant material from Australia and the United Kingdom, are discussed in the research paper. In addition, the Commission will review the operation of Congressional committees in the United States.

We have completed our deliberations in respect of most of the material and recommendations contained in the research paper. The Commission is engaged in the preparation of its Report, which it will submit to the Attorney General at the earliest opportunity.

(ii) Class Actions

The terms of reference, and the scope and history of the Class Actions Project, are outlined in detail in previous Annual Reports. During the past year, substantial progress was made on the Project. In particular, internal research papers dealing with the important and controversial issues of damages, discovery, opting in and opting out, notice and *res judicata* have been prepared and considered by the Commission. We will discuss the remaining research papers, dealing with settlement, costs and procedural problems, in the spring and early summer of this year. It is hoped that the Commission's final *Report on Class Actions*, and an accompanying draft *Class Actions Act*, will be submitted to the Attorney General by the fall.

THE PROGRAMME: PROJECTS INITIATED BY THE COMMISSION

During the past year, no new Projects have been initiated by the Commission.

1. COMPLETED PROJECTS

Enforcement of Judgment Debts and Related Matters

As we have said, the Commission has submitted to the Attorney General Parts I, II and III of our projected five Part Report. The Commission's Project on the Enforcement of Judgment Debts and Related Matters is a response to administrative, substantive and procedural deficiencies in the present law and practice pertaining to debtor-creditor relations, and is an attempt to deal with these deficiencies comprehensively.

Part I of our Report begins with a consideration of the methods by which a financially overcommitted debtor, and particularly a judgment debtor, may pay his debts by instalments and thereby avoid the imposition of traditional enforcement measures against him. Chapter 2 deals with Part III of the proposed new federal bankruptcy legislation (Bill C-12, First Session, Thirty-second Parliament, 29 Eliz. II, 1980) and with provincial consolidation orders, instalment payment plans and stays of enforcement proceedings. While we generally endorse the provisions of Part III of Bill C-12, we do make recommendations that differ from some of these provisions. In addition, Chapter 2 offers several proposals in respect of provincial instalment payment plans and stays of enforcement proceedings that fall outside the ambit of Bill C-12.

With Chapter 3 of Part I of our Report, the Commission commences its study of the organizational and administrative aspects of enforcement. Chapter 3 recommends the creation of a new, integrated enforcement office for each county under the direction of a sheriff. We recommend that the new enforcement office should have overall responsibility for the enforcement of all money judgments, including support and maintenance orders,

from all courts, except “show cause” proceedings and expanded wage garnishment proceedings in the provincial court (family division). Moreover, under our proposals, the enforcement of money judgments against a debtor would emanate from a single enforcement office, thereby eliminating the existing fragmented enforcement system and ensuring the coordination and integration of all enforcement activities against that debtor.

In Chapter 4 of Part I, the Commission discusses the means by which a judgment creditor and the enforcement office may obtain information concerning a debtor’s property. Proposals are made in respect of judgment debtor questionnaires and examinations, third party examinations and public register searches.

In Part II of our Report, the Commission considers the traditional methods by which creditors may enforce their money judgments. Chapter 2 deals with the seizure and sale of personal property. Recommendations are made concerning, for example, the province-wide binding of a debtor’s personal property by the proposed new writ of enforcement — a writ, more comprehensive than the present writ of *fieri facias*, that would be employed to initiate any and all traditional enforcement measures against a debtor. Other recommendations attempt, by overturning the restrictive common law, to ensure that all of a debtor’s personal property is liable to seizure and sale, subject only to a meaningful set of exemptions designed to ensure that the debtor is left with the necessities of life. Yet further recommendations deal with specific problem areas relating, for example, to the seizure and sale of mortgages and other securities for money, negotiable instruments, shares, non-assignable or restrictively assignable interests, and the beneficial interest of a debtor under a personal property security agreement. Finally, Chapter 2 makes recommendations concerning the time, notice, location and manner of sale of seized personal property.

Chapter 3 of Part II deals with the garnishment of a debtor’s income and other debts owing to the debtor. As in the case of execution against personal property, recommendations are made to ensure that all debts owing to a debtor, including conditional, contingent and future debts, are subject to garnishment. The Commission also recommends that a judgment creditor should be entitled to a continuing garnishment order, that is, a garnishment order that remains effective until the amount specified in the order has been paid. In this way, the frustrating need to obtain a separate order each time wages, or a debt, are sought to be garnished would be obviated. In addition to extending the garnishment remedy, the Commission has been cognizant of the need to protect debtors’ incomes. Accordingly, proposals are made for an expanded income exemption, beyond that now contained in *The Wages Act*. Finally, Chapter 3 makes recommendations designed to establish one uniform garnishment procedure for the enforcement of money judgments from all courts. Under our

proposals, for example, it would no longer be necessary to apply to a court for a garnishment order; rather, the new enforcement office, generally, would have carriage of garnishment proceedings.

Chapter 4 of Part II deals with equitable execution, charging orders and stop orders. Essentially, it is proposed that the hitherto restrictive equitable execution remedy should be abolished and that the remedy of receivership should take its place. Under our proposals, the latter remedy would be fully integrated into the new enforcement regime as but another type of enforcement remedy to be employed by judgment creditors. Receivers would be permitted to sell property received by them and, in appropriate circumstances, they would be permitted to manage a debtor's property or commercial enterprise. With respect to charging orders, the Commission recommends the abolition of this remedy as redundant. Finally, recommendations are made to expand the stop order remedy to cover all property in court.

Chapter 5, the last Chapter in Part II, deals with the resolution of disputes in enforcement proceedings. There is a consideration of the gaps and deficiencies in the interpleader rules of the Supreme Court of Ontario Rules of Practice, and proposals are made to render the interpleader rules more comprehensive. The Commission's most significant recommendations concern claims made by third parties to seized personal property. It is recommended, for example, that subsequent to a seizure, the sheriff should serve a "notice of seized property" on all persons who, to the knowledge or reasonable belief of the sheriff, may have some right, title or interest in the seized property. Generally speaking, the failure of a third party to make a claim to seized property within the prescribed limitation period would result in the extinguishment of that claim upon a sale of the property to a purchaser at an execution sale. However, provision is made for the filing of late claims and claims against the proceeds of sold property. Finally, recommendations are made in respect of the resolution of disputes in the context of garnishment proceedings — recommendations that basically mirror those made in the context of enforcement against personal property.

Part III of our Report concerns the very important topic of enforcement against interests in land. Part III is divided into two major portions: Chapter 2 deals with certain substantive and procedural considerations pertaining to enforcement, and Chapter 3 canvasses the relationship between enforcement against land and the process by which land is sold or mortgaged. Under our proposals in Chapter 2, most of the existing restrictions on enforcement against land would be abolished. Although the mandatory delay period prior to a sale is retained, it would be reduced from twelve months to six months. Creditors would be given rights to make a claim against a surviving joint tenant where the debtor joint tenant has died leaving insufficient property to satisfy his judgment debts.

Special provisions are proposed in respect of a debtor's residence, including exemption provisions and provisions protecting the interests of creditors where a debtor's residence is classified in law as personal property and not land. Finally, recommendations respecting the rights of creditors of titled and non-titled spouses are made where the debtor's residence is a "matrimonial home" under *The Family Law Reform Act, 1978*.

In Chapter 3, we consider one of the most frustrating and vexing areas of debtor-creditor law. After describing the manner by which enforcement law impinges on conveyancing law and practice, and after considering how the present enforcement regime serves to prejudice persons involved in the conveyancing process who are strangers to the debtor-creditor relationship, the Commission offers several long term and short term proposals for reform. Believing that the evils inherent in the present system stem from the operation of a writ of *fieri facias* as a general lien, binding a debtor's land without being registered directly against the title, the Commission, in its long term proposals, recommends the abolition of the writ as a general lien. In its stead, we propose that a creditor should be required to register his writ directly against the title to his debtor's land in order to bind that land. As a means by which creditors could discover land owned by their debtors, the Commission recommends the creation of an index of landholdings comprising all *Registry Act* and *Land Titles Act* land in Ontario.

In the second portion of Chapter 3, the Commission addresses itself to several short term proposals that could be adopted pending the implementation of its long term proposals. It is recommended, for example, that writs, operating as general liens, should not bind land until the expiry of ten calendar days after filing. This delay in the binding effect of a writ would preclude the need for a subsearch for writs immediately prior to the closing of a real estate transaction; consequently there would be ten days within which to resolve "similar name" problems stemming from the discovery of a writ against a debtor with an identical or similar name to that of the vendor or mortgagor. In order to protect creditors, the Commission further recommends that creditors who know of land owned by their debtors should be entitled to register their writs directly against the title, with the land being bound immediately upon registration.

Other short term proposals are made in Chapter 3 in an attempt to alleviate the "similar name" problem. For example, it is recommended that a writ should bind land only where the surname and at least one full given name on the writ are identical with the surname and one full given name on a document registered against the title to the land in question. Sheriffs would be required to report the existence of a writ only where the surname and at least one full given name on the writ are identical with the surname and one full given name on the request form delivered to the sheriff. Finally, in order to preclude the necessity for repeated historical searches for outstanding writs binding *Registry Act* land, with the attendant "similar name" problems, it is recommended that when land is conveyed a sheriff's

execution certificate should be registered on title and that all persons seeking to acquire any interest in the land should be entitled to rely on the representations made in the registered certificate.

2. PROJECTS IN PROCESS

(i) The Law of Trusts

The preparation of the *Report on the Law of Trusts* and an Act to revise *The Trustee Act* has entered the final stages. Approximately one-half of the Report and the proposed revised *Trustee Act* has been approved by the Commission. We wish to acknowledge the assistance of Professor D.W.M. Waters of the Faculty of Law, University of Victoria, the Project Director, for whose scholarship and devotion, both in time and in energy, we are most grateful. So too, we have had the benefit of the great skill and long experience of L.R. MacTavish, Esq., Q.C., former Senior Legislative Counsel, in the preparation of the proposed revised Act. Although completion of the Report has been temporarily suspended, pending the conclusion of the *Report on Class Actions*, it is anticipated that work will resume in the fall, and that the Report and revised *Trustee Act* will be forwarded to the Attorney General before the end of the coming year.

(ii) Administration of Estates of Deceased Persons

The basic research involved in this Project has been all but completed, and the Commission has considered the first Research Report, prepared by the Project Director, Professor George W. Alexandrowicz, of the Faculty of Law, Queen's University. The Advisory Committee of experts in the law governing estate administration, constituted under the chairmanship of Malcolm S. Archibald, Esq., Q.C., has met frequently, and has submitted many matters for consideration by the Commission. It is hoped that work will commence, during the coming year, on a proposed new *Administration of Estates Act*, which will bring together, in a revised and expanded form, relevant portions of *The Trustee Act*, *The Devolution of Estates Act*, and the provisions governing practice under *The Surrogate Courts Act* and Rules. A number of common law doctrines that now govern estate administration will be codified and revised in the proposed new Act.

(iii) The Hague Convention Concerning the International Administration of the Estates of Deceased Persons

The question as to whether the Hague Convention should be given effect in Ontario has been considered by the Commission. In relation to the administration of estates of foreign decedents, it is obvious that the Project is closely linked to our Project on the Administration of Estates of Deceased Persons. For this reason, the two Projects are being considered together. In due course we will decide whether to combine the Projects in one Report, or to submit two Reports.

(iv) The Law of Mortgages

With the appointment, during the last year, of Professor Richard H. McLaren, of the Faculty of Law, University of Western Ontario, as Project Director, research has commenced. A summary of mortgage remedies has been prepared, but has not yet been considered by the Commission.

(v) Enforcement of Judgment Debts and Related Matters

Of the Commission's projected five Part *Report on the Enforcement of Judgment Debts and Related Matters*, two Parts remain to be completed. Part IV will consider prejudgment enforcement remedies and voidable transactions, and Part V of the Report will contain a review of creditors' relief legislation, including Crown priorities and the distribution to creditors of the proceeds of a sale of a debtor's property. Research on these topics has been completed. Part V also will consider the liability of the sheriff for acts or omissions in the course of his enforcement duties, and other miscellaneous matters pertaining to the enforcement of money judgments. As has been the case throughout this Project, we are very pleased to state that we will continue to have the benefit of the assistance of David E. Baird, Esq., Q.C.

(vi) The Law of Standing

The objective of the Project on the Law of Standing is to determine whether private individuals who wish to litigate in the public interest should be granted increased access to the courts. The law governing *locus standi*, or status to bring suit, has been frequently criticized, particularly as it relates to the right of a private individual to commence litigation concerning public rights. Generally speaking, the existing law restricts the right to litigate in the public interest to the Attorney General, either in his own name or by means of a relator action. In order to be granted standing, a private individual must establish that he or she has a special interest or has sustained special damages.

During the initial stages of the Project, the internal legal staff prepared a background paper dealing with the present law and isolating reform issues. While priority has been accorded to the Minister's Reference on Class Actions, the Commission has commissioned a major research paper dealing with reform of the law of standing. It is anticipated that this paper will be received by the Commission soon and that, following completion of the References on Class Actions and Witnesses Before Committees of the Legislature, the Commission will consider the issues raised in the research paper.

(vii) Powers of Entry

Excellent progress has been made on this Project during the past year. The Project Directors, Professor Alan Grant, of Osgoode Hall Law School,

York University, and Professor Stanley M. Makuch, of the Faculty of Law, University of Toronto, have completed their research, and the Commission has considered a draft Report concerning powers conferred by Ontario statutes and regulations to enter upon lands, buildings and private dwellings. The Commission is now engaged in the preparation of a proposed *Powers of Entry Act*, which will be appended to the Commission's Report. Depending upon the availability of time and resources, the Commission hopes to submit its Report in the coming year.

(viii) Law of Contract Amendment

Our last Annual Report contained details of the content of this Project. Briefly stated, the Project is divided into three Phases, Phase I being concerned with the formational aspects of the law of contract, and the remaining two Phases with substantive and remedial issues. In the past year, the progress of this Project has been most satisfactory. An Advisory Group of experts, consisting of members of the judiciary and practising lawyers, under the chairmanship of James M. Spence, Esq., has been established, and the Commission has benefited greatly from its views and comments. A research report dealing with Phase I, prepared by the joint Project Directors, Professor Jacob S. Ziegel and Professor Stephen M. Waddams, both of the Faculty of Law, University of Toronto, has been considered by the Commission, and research on Phase II is well under way. It is likely that the Commission will issue separate Reports covering each Phase of the Project. In the coming year, should time permit, the Commission will commence the preparation of a draft Report on Phase I, and the consideration of the topics covered in Phase II.

(ix) Contribution Among Wrongdoers

The purpose of this Project is to review the law relating to the allocation of loss between two or more persons who are responsible for the same injuries, and the law relating to contributory negligence. Professor John M. Evans, of Osgoode Hall Law School, York University, has been appointed Project Director, and the Commission has considered many difficult and complex issues, including: aspects of joint and several liability; extension of the right to contribution to all concurrent wrongdoers; elements of the right to contribution; the effect of a settlement upon the right to contribution; and defences to the right to contribution. The remaining research should be completed in the coming year.

FUTURE PROGRAMME

In recent years, the Commission has been required to formulate priorities and to allocate limited resources among the Projects that constitute our research Programme. Last year was no exception, and it is clear that the issue will be with us again in the coming year. As we have said,

several of our Projects have been brought to, or near to, the stage when a draft Report can be prepared. However, the preparation of the *Report on Class Actions* and the *Report on Witnesses Before Committees of the Legislature* will dominate the attention of the Commission in the near future.

GENERAL ACTIVITIES

The Chairman and Counsel, on behalf of the Commission, attended a meeting of the Canadian Law Reform Agencies at Charlottetown in August, 1980. This meeting provided an opportunity to exchange information with representatives of the other law reform agencies across Canada, and to be informed of the research programmes of these agencies. Immediately following the meeting, the Chairman represented the Commission at the Sixty-second Annual Meeting of the Uniform Law Conference of Canada, in the same city.

In our last Annual Report, we stated that the Uniform Law Section of the Uniform Law Conference of Canada had established a Committee on the Sale of Goods to consider the need for uniform sale of goods legislation, and to assess the utility of the Ontario Law Reform Commission's *Report on Sale of Goods* as a basis for such a uniform law. Our Chairman was appointed Chairman of this Committee, which, during the past year, met on six occasions in Toronto. The Committee has made great progress, and expects that its Report will be completed by the summer of 1981.

In the year under review, the Commission has been pleased to renew its collaboration with the Law Reform Committee of the Ontario Branch of the Canadian Bar Association. On May 22, 1980, the Chairman, Vice Chairman and Counsel met with the Committee, under the chairmanship of Mrs. Judith M. Oyen, Q.C., and with Julian H. Huffer, Esq., C.A.E., Executive Director of the Ontario Branch of the Canadian Bar Association, to discuss methods of future liaison between the Commission and the Committee. The Commission wishes to express its gratitude to the Committee for the help and cooperation that was so willingly offered. We will take full advantage of this offer, and are in touch with the Committee concerning the establishment of an Advisory Committee to the Project on the Law of Mortgages.

During the past year, the Chairman was called upon to represent the Commission on many occasions. These included an address to the Metropolitan Toronto Legal Secretaries Association of Canada, and an address to the Family Law II Conference on the Matrimonial Property Act, sponsored by the Continuing Legal Education Society of Nova Scotia. The Chairman also visited the Law School of McGill University to speak to first

year students on law reform in Ontario, and spoke to students at the Forest Hill Collegiate Institute.

As part of the March Special Lecture Series 1981, of the Department of Continuing Education of the Law Society of Upper Canada, the Chairman delivered a paper entitled "The Enforcement of Judgments: Proposals for Reform", that had been prepared by the Chairman and by Eric Gertner, Esq., one of the Legal Research Officers of the Commission.

VISITORS

As in the past, the Commission has endeavoured to maintain a mutually beneficial working relationship with other law reform agencies. It is always a great pleasure to welcome to our offices representatives of these agencies, and to hear of trends and developments in their jurisdictions. The visitors whom we were pleased to receive, included: Bruce M. Debelle, Esq., Commissioner, The Law Reform Commission, Australia; Dr. P.M. North, Commissioner, The Law Commission, England; and Denis Gressier, Esq., Commissioner, Law Reform Commission, New South Wales.

Other visitors whom we were privileged to welcome included: The Honourable Mr. Justice R.S. Watson, Senior Judge, Family Court of Australia; and, Mrs. Gloria Cumper, a distinguished member of the legal profession of Jamaica.

TABLE OF IMPLEMENTATION

Attached to this Report as Appendix A is a list of the Reports that have been prepared and submitted by the Commission since its inception in 1964, together with a table setting out the extent to which legislation concerning our proposals has been enacted.

ACKNOWLEDGMENTS

Appendix B consists of a list of the officers and permanent staff of the Commission. As will be noted, the past year has seen no change in the ranks of the Commissioners or the legal staff. However, we regret the loss of several members of our administrative staff, to whom we extend our best wishes for success in their new endeavours: Mrs. Roslynne F. Mains, B.A., Ms. Grace C. Novakowski, B.A., and Mrs. E.M. Renda. We warmly welcome those who have joined our administrative staff during the past year: Mrs. J.A. Brown, B.A., Mrs. Toni Farrace, and Ms. Victoria Van Asperen, B.Sc.

Our sincere thanks are also extended to the Secretary, Miss A.F. Chute, and to the administrative staff for all they have done to assist the Commission during the year.

To you, Mr. Attorney, and to the officers of the Ministry, we extend our sincere appreciation and thanks for the manner in which we have been sustained and encouraged in our work.

All of which is respectfully submitted.

Derek Mendes da Costa

Derek Mendes da Costa,
Chairman

George A. Gale

George A. Gale
Vice Chairman

Richard A. Bell

Richard A. Bell
Commissioner

James C. McRuer

James C. McRuer
Commissioner

William R. Poole

William R. Poole
Commissioner

Barry A. Percival

Barry A. Percival
Commissioner

March 31, 1981

APPENDIX A

REPORTS MADE BY THE ONTARIO LAW REFORM COMMISSION

Title	Date of Report	Legislation Concerning Commission Proposals
1. No. 1 The Rule Against Perpetuities	February 1, 1965	<i>The Perpetuities Act</i> , S.O. 1966, c. 113
2. No. 1A Supplementary Report on the Rule Against Perpetuities	March 1, 1966	<i>do.</i>
3. No. 2 The Wages Act; Assignment of Wages	March 3, 1965	<i>The Wages Amendment Act</i> , S.O. 1968, c. 142
4. No. 3 Personal Property Security Legislation	May 28, 1965	<i>The Personal Property Security Act</i> , S.O. 1967, c. 72
5. No. 3A Supplementary Report on Personal Property Security Legislation	May 18, 1966	<i>do.</i>
6. The Evidence Act; Admissibility of Business Records	February 16, 1966	<i>The Evidence Amendment Act</i> , S.O. 1966, c. 51, s. 1
7. The Mechanics' Lien Act	February 22, 1966	<i>The Mechanics' Lien Act</i> , S.O. 1968-69, c. 65
8. Supplementary Report on The Mechanics' Lien Act	May 26, 1967	<i>do.</i>
9. Proposed Extension of Guarantor's Liability on Construction Bonds	May 30, 1966	See <i>The Mechanics' Lien Amendment Act</i> , S.O. 1975, c. 43 <i>The Ministry of Transportation and Communications Creditors Payment Act</i> , S.O. 1975, c. 44 <i>The Public Works Creditors Payment Repeal Act</i> , S.O. 1975, c. 45
10. The Execution Act: Exemption of Goods from Seizure	December 9, 1966	<i>The Execution Amendment Act</i> , S.O. 1967, c. 26

	Title	Date of Report	Legislation Concerning Commission Proposals
11.	The Law of Condominium	March 6, 1967	<i>The Condominium Act</i> , S.O. 1967, c. 13 See now <i>The Condominium Act</i> , S.O. 1978, c. 84
12.	Basis for Compensation on Expropriation	September 21, 1967	<i>The Expropriations Act</i> , S.O. 1968-69, c. 36
13.	The Limitation Period for Actions under The Sandwich, Windsor and Amherstburg Railway Act, 1930	January 8, 1968	<i>The Sandwich, Windsor and Amherstburg Railway Amendment Act</i> , S.O. 1968, c. 120
14.	Annual Report 1967	January 15, 1968	—
15.	Certain Aspects of the Proposed Divorce Legislation contained in Bill C-187 (Can.)	January 19, 1968	<i>Divorce Act</i> , S.C. 1967-68, c. 24, s. 26
16.	The Proposed Adoption in Ontario of The Uniform Wills Act	February 5, 1968	<i>The Succession Law Reform Act</i> , S.O. 1977, c. 40 See <i>The Registry Amendment Act</i> , S.O. 1978, c. 8, s. 1
17.	The Protection of Privacy in Ontario	September 10, 1968	See <i>The Consumer Reporting Act</i> , S.O. 1973, c. 97
18.	The Insurance Act, R.S.O. 1960, c. 190, s. 183, as amended by S.O. 1961-62, c. 63, s. 4 (commutation)	October 3, 1968	—
19.	Trade Sale of New Houses and the Doctrine of Caveat Emptor	October 4, 1968	See <i>The Ontario New Home Warranties Plan Act</i> , S.O. 1976, c. 52
20.	Interim Report on Landlord and Tenant Law Applicable to Residential Tenancies	December 10, 1968	<i>The Landlord and Tenant Amendment Act</i> , S.O. 1968-69, c. 58

	Title	Date of Report	Legislation Concerning Commission Proposals
21.	Limitation of Actions	February 3, 1969	<p>See <i>The Highway Traffic Amendment Act (No. 2)</i>, S.O. 1975, c. 37</p> <p><i>The Fatal Accidents Amendment Act</i>, S.O. 1975, c. 38</p> <p>See now <i>The Family Law Reform Act</i>, S.O. 1978, c. 2, s. 60(4)</p> <p><i>The Trustee Amendment Act</i>, S.O. 1975, c. 39</p>
22.	Annual Report 1968	April 7, 1969	—
23.	The Age of Majority and Related Matters	June 3, 1969	<i>The Age of Majority and Accountability Act</i> , S.O. 1971, c. 98
24.	Status of Adopted Children	June 3, 1969	<p><i>The Child Welfare Amendment Act</i>, S.O. 1970, c. 96, s. 23</p> <p>See now <i>The Child Welfare Act</i>, S.O. 1978, c. 85</p>
25.	Report on Family Law: Part I — Torts	November 4, 1969	<i>The Family Law Reform Act</i> , S.O. 1978, c. 2 (partial implementation)
26.	Report on Section 20 of The Mortgages Act	March 12, 1970	<i>The Mortgages Amendment Act</i> , S.O. 1970, c. 54, s. 1
27.	Report on Family Law: Part II — Marriage	April 6, 1970	<p><i>The Civil Rights Statute Law Amendment Act</i>, S.O. 1971, c. 50, s. 55 (partial implementation)</p> <p>See now <i>The Marriage Act</i>, S.O. 1977, c. 42 (partial implementation)</p>
28.	Annual Report 1969	April 20, 1970	—
29.	Report on Actions Against Representatives of Deceased Persons	November 30, 1970	<i>The Trustee Amendment Act</i> , S.O. 1971, c. 32, s. 2

	Title	Date of Report	Legislation Concerning Commission Proposals
30.	The Coroner System in Ontario	January 25, 1971	<i>The Coroners Act</i> , S.O. 1972, c. 98 See <i>The Coroners Amendment Act</i> , S.O. 1978, c. 38
31.	Sunday Observance Legislation	February 26, 1971	<i>The Retail Business Holidays Act</i> , S.O. 1975 (2nd Session), c. 9
32.	Land Registration	March 23, 1971	See <i>The Corporations Tax Amendment Act (No. 2)</i> , S.O. 1979, c. 89
33.	Annual Report 1970	March 31, 1971	—
34.	The Change of Name Act	May 31, 1971	<i>The Change of Name Amendment Act</i> S.O. 1972, c. 44 See <i>The Change of Name Amendment Act</i> , S.O. 1978, c. 28
35.	Section 16, The Mortgages Act	June 18, 1971	—
36.	Development Control	September 28, 1971	<i>The Planning Amendment Act</i> , S.O. 1973 c. 168, s. 10 See now <i>The Planning Amendment Act</i> , S.O. 1979, c. 59
37.	Powers of Attorney	January 11, 1972	<i>The Powers of Attorney Act</i> , S.O. 1979, c. 107
38.	Occupiers' Liability	January 11, 1972	<i>The Occupiers' Liability Act</i> , S.O. 1980, c. 14
39.	Consumer Warranties and Guarantees in the Sale of Goods	March 31, 1972	—
40.	Review of Part IV of The Landlord and Tenant Act	March 31, 1972	<i>The Landlord and Tenant Amendment Act</i> , S.O. 1972, c. 123
41.	Annual Report 1971	March 31, 1972	—
42.	The Non-Possessory Repairman's Lien	October 4, 1972	—

Title	Date of Report	Legislation Concerning Commission Proposals
43. Administration of Ontario Courts, Part I	February 26, 1973	See <i>The Administration of Courts Project Act</i> , S.O. 1975, c. 31 <i>The Judicature Amendment Act (No. 2)</i> , S.O. 1977, c. 51, s. 9
44. Annual Report 1972	March 31, 1973	—
45. Administration of Ontario Courts, Part II	May 23, 1973	See <i>The Administration of Courts Project Act</i> , S.O. 1975, c. 31
46. Report on Family Law: Part III—Children	September 25, 1973	<i>The Child Welfare Amendment Act</i> , S.O. 1975, c. 1 (partial implementation) See now <i>The Child Welfare Act</i> , S.O. 1978, c. 85 <i>The Succession Law Reform Act</i> , S.O. 1977, c. 40 (partial implementation) <i>The Children's Law Reform Act</i> , S.O. 1977, c. 41 (partial implementation)
47. Report on The Solicitors Act	September 28, 1973	—
48. Report on Motor Vehicle Accident Compensation	November 6, 1973	—
49. Administration of Ontario Courts, Part III	December 17, 1973	<i>The Judicature Amendment Act</i> , S.O. 1975, c. 30 (partial implementation) See <i>The Administration of Courts Project Act</i> , S.O. 1975, c. 31 <i>The Small Claims Courts Amendment Act</i> , S.O. 1977, c. 52 (partial implementation)

Title	Date of Report	Legislation Concerning Commission Proposals
50. Report on Family Law: Part IV — Family Property Law	February 8, 1974	<p><i>The Succession Law Reform Act</i>, S.O. 1977, c. 40 (partial implementation)</p> <p><i>The Family Law Reform Act</i>, S.O. 1978, c. 2 (partial implementation)</p> <p>See <i>The Land Titles Amendment Act</i>, S.O. 1978, c. 7</p> <p><i>The Registry Amendment Act</i>, S.O. 1978, c. 8</p>
51. Report on Family Law: Part V—Family Courts	February 8, 1974	<p>See <i>The Unified Family Court Act</i>, S.O. 1976, c. 85</p> <p><i>The Unified Family Court Amendment Act</i>, S.O. 1978, c. 68</p> <p><i>The Children's Probation Act</i>, S.O. 1978, c. 41 (partial implementation)</p>
52. Annual Report 1973	May 6, 1974	—
53. International Convention Providing a Uniform Law on the Form of the International Will	July 3, 1974	<p><i>The Succession Law Reform Act</i>, S.O. 1977, c. 40, s. 42</p>
54. Annual Report 1974	March 31, 1975	—
55. Report on Family Law: Part VI — Support Obligations	April 18, 1975	<p><i>The Succession Law Reform Act</i>, S.O. 1977, c. 40 (partial implementation)</p> <p><i>The Family Law Reform Act</i>, S.O. 1978, c. 2</p>

	Title	Date of Report	Legislation Concerning Commission Proposals
56.	Mortmain, Charitable Uses and Religious Institutions	February 27, 1976	<i>The Religious Organizations' Lands Act</i> , S.O. 1979, c. 45 <i>The Anglican Church of Canada Act</i> , S.O. 1979, c. 46 <i>The Registry Amendment Act</i> , S.O. 1979, c. 94, s. 17
57.	Landlord and Tenant Law	March 15, 1976	—
58.	The Law of Evidence	March 29, 1976	—
59.	Annual Report 1975	March 31, 1976	—
60.	Report on Changes of Name	August 16, 1976	<i>The Vital Statistics Amendment Act</i> , S.O. 1978, c. 81, s. 1 (partial implementation)
61.	Report on The Impact of Divorce on Existing Wills	February 28, 1977	<i>The Succession Law Reform Act</i> , S.O. 1977, c. 40, s. 17(2)
62.	Annual Report 1976	March 31, 1977	—
63.	Annual Report 1977	March 31, 1978	—
64.	Report on Sale of Goods	March 30, 1979	—
65.	Annual Report 1978	March 30, 1979	—
66.	Report on Products Liability	November 16, 1979	—
67.	Annual Report 1979	March 31, 1980	—
68.	Report on the Enforcement of Judgment Debts and Related Matters, Part I	February 20, 1981	—
69.	Report on the Enforcement of Judgment Debts and Related Matters, Part II	March 31, 1981	—
70.	Report on the Enforcement of Judgment Debts and Related Matters, Part III	March 31, 1981	—

Many of the Commission's earlier Reports are no longer in print. Those that are still in print may be ordered from Publications Services, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, Ontario, Canada, M7A 1N8.

APPENDIX B

OFFICERS AND PERMANENT STAFF ONTARIO LAW REFORM COMMISSION

Chairman	Derek Mendes da Costa, Q.C., LL.B., LL.M., S.J.D., LL.D.
Vice Chairman	Honourable George A. Gale, C.C., Q.C., LL.D.
Commissioners	Honourable Richard A. Bell, P.C., Q.C. Honourable James C. McRuer, O.C., LL.D., D.C.L. William R. Poole, Q.C. Barry A. Percival, Q.C.
Counsel	M. Patricia Richardson, B.A., M.A., LL.B.
Secretary and Administrative Officer	Miss A. F. Chute
Legal Research Officers	M. A. Springman, B.A., M.A., M.Sc., LL.B. Eric Gertner, LL.B., B.C.L. (Oxon) Ann M. Merritt, B.A., LL.B. L. M. Fox, LL.B. Pamela M. Gibson, B.A., LL.B.
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Secretary to Chairman	Mrs. Stephanie Hlynka
Secretary to Vice Chairman	Mrs. E. N. Page
Secretary to Counsel	Mrs. D. M. Halyburton
Secretary to Administrative Officer	Mrs. B. G. Woodley
Secretaries to Legal Research Officers	Mrs. Toni Farrace Ms. Victoria Van Asperen, B.Sc.
Receptionist	Miss Mary M. O'Hara

